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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Butterworth)	Art Unit: 2444
)	
Serial No.: 10/090,404)	Examiner: Cloud
)	
Filed: March 4, 2002)	ARC920010105US1
)	
For: SYSTEM AND METHOD FOR DETERMINING)	August 21, 2010
WEAK MEMBERSHIP IN SET OF COMPUTER)	750 B STREET, Suite 3120
NODES)	San Diego, CA 92101
)	

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This responds to the Office Action dated May 25, 2010, reopening prosecution after a Board reversal without a statement of "good cause" as to why the reopening occurred, as otherwise required by Rule 198. The examiner is instructed to obtain from the Technology Center Director an explanation for the "good cause" that precipitated the reopening in response to this paper. Note that the mere existence of a new reference uncovered during a new search is insufficient, MPEP §1214.04 ("the examiner should *never* regard such a reversal as a challenge to make a new search to uncover other and better references. This is particularly so where the application or *ex parte* reexamination proceeding has meanwhile been transferred or assigned to an examiner other than the one who rejected the claims leading to the appeal. *The second examiner should give full faith and credit to the prior examiner's search*") (emphasis mine). Compliance with the rules will not be held in abeyance.

1053-131AM1